

Eric S. Tilton
The Law Office of Steven A. Morelli, P.C.
1461 Franklin Avenue
Garden City, New York 11530
(516) 393-9151

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 09-cv-6619 (RMB)(GWG)
SUBHAS CHANDRA,

Plaintiff,

-against-

BETH ISRAEL MEDICAL CENTER, and
I. MICHAEL LEITMAN, M.D.,

**ANSWER TO
COUNTERCLAIM**

Jury Demanded

Defendants.
-----X

Plaintiff SUBHAS CHANDRA, by and through the undersigned attorneys, hereby answers the counterclaim asserted against him by Defendant BETH ISRAEL MEDICAL CENTER as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the matters contained in paragraphs 71 of Defendants' Answer and respectfully refers the Court to the contents of the alleged lease agreement for interpretation, except admits that he resided in Apartment 17B at 353 East 17th Street at an initial rate of \$1,912.00 per month.
2. Admits the allegations contained in paragraph 72 of Defendants' Answer.
3. Denies knowledge or information sufficient to form a belief as to the truth of the matters contained in paragraphs 73 of Defendants' Answer and respectfully refers the Court to the contents of the alleged lease agreement for interpretation.
4. Admits the allegations contained in paragraph 74 of Defendants' Answer.

5. Denies the contents of paragraph 75 of Defendants' Answer.
6. Admits the contents of paragraph 76 of Defendants' Answer.
7. Denies knowledge or information sufficient to form a belief as to the truth of the matters contained in paragraph 77 of Defendants' Answer.
8. Denies the contents of paragraph 78 of Defendants' Answer.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

9. The Court lacks subject matter jurisdiction to hear Defendant Beth Israel Medical Center's counterclaim.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

10. The Counterclaim, in whole or in part, fails to state a claim upon which relief can be granted.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

11. Assuming the Defendant has a claim, the Defendant's claim is barred by the doctrine of laches.

JURY DEMAND

12. Plaintiff demands a trial by jury on Defendants' counterclaim.

WHEREFORE, Defendants' counterclaim should be dismissed in its entirety and Plaintiff should be awarded all other and further relief which to the Court deems just and proper, including reasonable attorneys' fees and the costs and disbursements associated with defending against the counterclaim.

Dated: Garden City, New York
February 22, 2011

Respectfully submitted,

s/
Eric S. Tilton
The Law Office of
Steven A. Morelli, P.C.
1461 Franklin Avenue
Garden City, New York 11530
(516) 393-9151

Attorneys for Plaintiff